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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Circumvent of regulations to clear issue of human rights violations in occupied territories*

During past years, some of Unite Nation's human rights bodies such as the Human Rights Council have made considerable attempts on pressuring Israel to decline widespread and numerous violations in occupied territories .Adopting resolution 19/17(The International Fact-Finding Mission /FFM) at the 19th session of U.N. Human Rights Council is a clear sample of the above mentioned positive attempts. But Israel continued settlements and other violations pointed out in FFM report. Furthermore, reacting to the FFM, Israel tried to circumvent the U.N. Human Rights bodies by temporary cutting ties with HRC until early 2013 and putting conditions to re-engage with the body.
Then we a NGO express our concern about Israel's policies toward UN human rights bodies and the occupied territories. On 22 March 2012, at its 19th session, the Human Rights Council (HRC) adopted **resolution 19/17** entitled "Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan" by which the HRC decided to *"dispatch an independent international fact-finding mission, to be appointed by the President of the Human Rights Council, to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem*. This is called The International Fact-Finding Mission (FFM) . Immediately Israel announced that they cut all ties with the Geneva-based U.N. Human Rights Council, after they said it would probe how Israeli settlements may be infringing on the rights of Palestinians. Despite all dodges and Obstructions by Israel, the report produced and issued in Jan 2013.The report concluded that:

- *All Israel's settlements in the Occupied Palestinian Territory, including East Jerusalem, are illegal under international law. The Fourth Geneva Convention prohibits an Occupying Power from transferring its civilian population into an occupied territory. The report calls on Israel to dismantle all its settlements, the construction of which could be considered a war crime falling under the jurisdiction of the International Criminal Court (ICC). If it signs the Rome Statutes, the Palestinian Authority, granted the status of a state by the UN General Assembly vote last November, could bring Israel before the ICC on such charges.*

On 29 Jan 2013, Israel became the first country to boycott a council review of its human rights record. But in June Israel announced it would like to re-engage with the body, which has 47 state members. Israeli officials reasoned that Israel has long accused the Human Rights Council of singling it out, noting that it is the only state to have a specific agenda item dedicated to it at every meeting of the council, and that the body has passed an inordinate number of resolutions against it . Israel also has demanded permanent membership on the 47-member council in the said section . In this regard they have claimed that Israel will join to UN rights body by getting membership of the Western European and Others Group (WEOG) in the UN Human Rights Council .This is a clear circumvent of regulations and laws. Because Israel is geographically located in Asia and Muslim states have blocked Israel from joining the Asian group on the 47-member council. Then Israel trying to imposed itself in a trans-regional organization to effect on U.N decisions against Israel violations as a inter-group member .Also Israel seeks to evade international obligations towards the Palestinian issues. However Human Rights Watch issued a statement about Israel re-engagement to UN Human Rights bodies and warned that: "Israel should know that it's international Commitments about human rights include Palestine too. "

Since Israel founding in 1948, the United Nations Security Council, as of January 2013, has adopted about 100 resolutions directly critical of Israel for violations of U.N. Security Council resolutions, the U.N. Charter, the Geneva Conventions, international terrorism, or other violations of international laws. Just between 1967 to1989 the UN Security Council passed 131 resolutions directly addressing the Arab–Israeli conflict. In early Security Council practice, resolutions did not direct'y invoke Chapter VII. They made an explicit determination of a threat, breach of the peace, or act of aggression, and ordered an action in accordance with Article 39 or 40. Resolution 54 determined that a threat to peace existed within the meaning of Article 39 of the Charter, reiterated the need for a truce, and ordered a cease-fire pursuant to Article 40 of the Charter. Although the phrase "Acting under Chapter VII" was never mentioned as the basis for the action taken, the chapter's authority was being used.
Also the United Nations General Assembly has adopted a number of resolutions saying that the strategic relationship with the United States encourages Israel to pursue aggressive and expansionist policies and practices. In this regard the

US Vetoed over 45 resolutions against Israel since 1972 to 2013. The 9th Emergency Session of the General Assembly was convened at the request of the Security Council when the United States blocked efforts to adopt sanctions against Israel. The United States responded to the frequent criticism from UN organs by adopting the Negroponte doctrine.
Therefore, we believe that despite all UN Positive and growing efforts in favor of the Palestinians -as creating several bodies like UNSCOP, UNRWA, UNDPR, UNISPAL & etc. - to decline Israel violations in occupied territories, the favorable results was not obtained yet and we need to change some tactics against Israel .We also believe that all of Israel's games against UN human rights bodies as mentioned are definable in 2 major goals: 1- evading to respond to a large number of violations in Palestine occupied territories, and 2- obtaining permanent membership in UN Human Rights bodies through any trans-regional organization.

Recommendations:

- Unconditional presence of representatives of the United Nation to the occupied territories of Palestine (include 1948 &1967 borders) for investigating any recognized violations on Palestinians by Israel.
- Creating a temporary committee for investigating to the one- sided actions of Israel in occupied territories as settlements and convincing Security Council to issue resolutions to halt settlements.
- Not accepting of Israel to cooperate with HRC as permanent membership through any trans-regional organizations.
- Applying legal sanctions against Israel alongside of boycotts with enforcement.
- Founding a Campaign or department named " Lawyers for legal sanctions against Israel".
- Establishing a Campaign named "international will to end Israel obstructions ".
- Declaring a day as the "International day of Israel commitments towards Palestine".

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* The Institute for Scientific and Political Research without consultative status, also shares the views expressed in this statement.